

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
FREEMAN LEIGH RAWSON III

Serial No.: **10/825,143**

Filed: **APRIL 15, 2004**

**SYSTEM AND METHOD FOR
RECLAIMING ALLOCATED
MEMORY TO REDUCE POWER IN A
DATA PROCESSING SYSTEM**

Attorney Docket No. **AUS920040024US1**

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§
§ Examiner: **MARDOCHEE CHERY**
§
§ Confirmation No.: **7823**
§
§ Art Unit: **2188**

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Response to Notice of Non-Compliant Appeal Brief is filed in response to the Notice of Non-Compliant Appeal Brief dated May 29, 2009. Pursuant to MPEP 1205.03, only a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v) is presented.

Summary of the Claimed Subject Matter

Independent Claim 1 recites a method of managing power in a data processing system. According to the method, a system parameter indicative of power consumption is monitored (see, e.g., Figure 4, block 403; page 9, lines 10-17). Responsive to determining that the parameter is greater than a specified first threshold, a guest of the system is caused to de-allocate a portion of system memory allocated by the guest (see, e.g., Figure 4, block 412; page 12, lines 16-24). The operating system of the system is caused to de-allocate the portion of system memory by invoking a memory request by a balloon code device driver, which requests the operating system to allocate memory to the balloon code device driver (see, e.g., Figure 2, balloon device driver 210; Figure 4, block 412; page 12, lines 16-24). A hypervisor reclaims the portion of system memory requested by the balloon code device driver and, responsive thereto, reduces system memory power consumption (see, e.g., Figure 4, blocks 414 and 416; page 12, lines 18-24 and page 13, lines 3-12).

In addition to the features of independent Claim 1, dependent Claim 25 recites that in response to determining that the parameter is greater than the specified second threshold, a determination is made if the portion of system memory allocated by the guest is sufficient to handle a current load (see, e.g., Figure 4, blocks 405-406; page 9, lines 24-28). In response to determining that the portion of system memory allocated by the guest is sufficient to handle the current load, the balloon code device driver is invoked to request the operating system to allocate memory to the balloon code device driver (see, e.g., Figure 4, block 412; page 12, lines 16-24).

In addition to the features of independent Claim 1, Claim 26 recites that in response to determining that the parameter is less than the specified second threshold, a determination is made if system performance is unacceptable (see, e.g., Figure 5, block 504; page 13, lines 21-23). If the system performance is unacceptable, the balloon code device driver is invoked to release memory allocated to the balloon code device driver (see, e.g., Figure 5, blocks 512-514; page 13, line 31 through page 14, line 2).

In addition to the features of independent Claim 1, Claim 27 recites that reducing system power consumption includes compacting allocated pages and powering down the portion of system memory reclaimed by the hypervisor (see, e.g., Figure 4, block 416; page 13, lines 3-12).

Please charge any fee necessary to further the prosecution of this application to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,

A handwritten signature in cursive script, reading "Brian F. Russell", written over a horizontal line.

Brian F. Russell

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